

REMARKS

I. STATUS OF THE CLAIMS

Original claims 1, 7, 8, 14, 15, 16, 17 and 18 are amended herein.

New claims 19-51 were added in the reissue application when it was filed on October 16, 2003. The independent claims 19, 27, 34, 47, 49 and 51 are amended herein with respect to these claims as presented in the reissue application when it was filed on October 16, 2003. The changes to independent claims 19, 27, 34, 47, 49 and 51 as presented herein with respect to these claims as presented in the reissue application when it was filed on October 16, 2006, are that an entire "wherein" clause was added to each of these claims. For example, claim 19 was amended to include the recitation "wherein, when the first pumping light is not being supplied to the optical fiber and is thereby not traveling through the optical fiber, a loss in the optical fiber is less than a difference between a minimum light level prescribed in a system in which the optical amplifier is installed and a minimum light level of the split portion that can be monitored". A similar "wherein" clause was added to claims 27, 34, 47, 49 and 51. Support for the amendments is found, for example, in FIGS. 1 and 2, and the disclosure in column 4, lines 7-24; column 8, lines 4-9, of the specification.

In view of the above, it is respectfully submitted that claims 1-51 are currently pending.

II. REJECTION OF CLAIMS 1-25, 27-32, 34-37 AND 39-51 UNDER 35 USC 103 AS BEING UNPATENTABLE OVER JP 05-2920036 IN VIEW OF HEIDEMANN

Claim 1 is amended to recite that, when the first pumping light is not being supplied to the optical fiber and is thereby not traveling through the optical fiber, a loss in the optical fiber is less than a difference between a minimum light level prescribed in a system in which the optical amplifier is installed and a minimum light level of the split portion that can be monitored. Original claims 7, 8, 14, 15, 16, 17 and 18 are amended in a similar manner as claim 1. Moreover, claims 19-51 recite somewhat similar features to those in the amended claim 1.

Support for the claim amendments is found, for example, in FIGS. 1 and 2, and the disclosure in column 4, lines 7-24; column 8, lines 4-9, of the specification.

It is respectfully submitted that none of the cited references, taken alone or in combination, discloses or suggests the above-described features.

In view of the above, it is respectfully submitted that the rejection is overcome.

III. REJECTION OF CLAIMS 26, 33 AND 38 UNDER 35 USC 103 AS BEING
UNPATENTABLE OVER JP 05-2920036 IN VIEW OF HEIDEMANN
AND JP 05-048207

The comments in Section II, above, also apply here.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any further fees are required in connection with the filing of this response, please charge the fees to our Deposit Account No. 19-3935.

Respectfully submitted,

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